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THE QUESTION ANSWERED:

“Did the Ministry intend to pay Rebels?”

IN A LETTER TO

THE RIGHT HON. THE EARL OF ELGIN AND KINCARDINE.

[THIRD EDITION.]

*To His Excellency the Right Honourable the  
EARL OF ELGIN AND KINCARDINE,  
K. T., &c. &c. &c.*

MY LORD,

It is by no means surprising that earnest endeavours should now be made, by some of the members of Your Lordship's Provincial Ministry, to induce the belief that, in the framing of the Rebellion Losses Bill, introduced by Mr. Attorney-General LaFontaine into the House of Assembly, and recently sanctioned by you in Her Majesty's name, the indemnification of parties actually in arms against Her Majesty during the Rebellion of 1837 and 1838, was never contemplated.

That such assertions should meet with ready credence from many of those who had previously given their political support to Your Lordship's present Ministry, and who either have had no opportunity of detecting the fallacy of such statements, or were determined to act on the principle of “Our party, right or wrong!”—was to have been expected. But it is with much surprise and regret that I have found a similar belief publicly announced by a statesman of Your Lordship's experience, who could scarcely be supposed either so far destitute of discernment as to be the dupe of designing men, or so far forgetful of the dignity and impartiality of your high office, as to adopt without examination the opinions of a *party*.

The Official Gazette of the 19th May, con-

tained an Address of Condolence to Your Lordship from certain inhabitants of the County of Hastings, to which was appended a Reply, in the following terms:—

GENTLEMEN,—I heartily thank you for the noble tribute which you bear in your numerous signed Address to the justice and impartiality which have characterised my administration of the Government. These qualities are, I firmly believe, the real cause of the hostility which has been directed against me. I came to the Province with the determination to allow to the Constitution, which has been guaranteed to you by the faith of the Imperial Parliament, its full action, and to recognise in the inhabitants of all classes faithful subjects of the Queen, entitled to the equal enjoyment of the rights and privileges of free Britons. I can endure without repining whatever reproach I may be subjected to in such a cause. But the people of Canada have much at stake in the solution of the question which the *foes of their liberties* have attempted to raise, and the unanimity with which they are coming forward in the support of the Government, shews that they are conscious of its importance and real character.

Even if the measure of Indemnity to which you refer had been more objectionable than it is, it would still have been the duty and interest of all lovers of true freedom and of order, which is amongst its most valuable fruits, to protest against the outrageous assaults on the fundamental principles of Constitutional Government, for which it has been made the pretext. *But I am bound to say, in justice to the large majority of your Representatives, by whom this Bill was sanctioned, that it is my firm belief that they did not intend, in passing it, to countenance Rebellion, or to compensate the losses of persons guilty of the heinous crime of treason; but that their purpose was to make provision for the payment of the wanton and unnecessary destruction of property, which is the cruel, though, perhaps, inevitable accompaniment of civil warfare, claims which had been already recognized by the deliberate acts of preceding Parliaments and Governments.* Under this conviction I assented to the Bill, and in this spirit only could I ever consent, as the head of the Executive Government, to effect it.

ELGIN & KINCARDINE.

The passages which I have italicised in the above reply, have given rise to the im-

pression, in the minds of very many of Her Majesty's subjects in this Province, that Your Lordship had descended from the dignity of the Vice-Regal Throne, to enter into the arena of political and party strife. This opinion—so derogatory to those qualities of "justice and impartiality" which Your Lordship claims as peculiarly characteristic of your administration—I am indeed reluctant to adopt, and would rather persuade myself that Your Lordship's advisers, desirous of screening themselves under the shelter of your name, have for that purpose misrepresented to you the real facts of the case, and concealed from your knowledge those opinions to which, at an early stage of the "measure of Indemnity," they openly gave utterance in the House of Assembly. Under this impression, my Lord, I beg leave humbly to submit for your consideration, a few extracts from the addresses so delivered and from authentic documents bearing on the subject, which will, I trust, bear the conviction to Your Lordship's mind, as well as to that of every honest and reflecting man who may peruse them, that the intention of the framers of the Rebellion Losses Bill was undoubtedly to "compensate the losses of persons guilty of the heinous crime of treason."

Before proceeding, however, to this portion of the task which I have assigned to myself, permit me to recall to Your Lordship's recollection a few of the circumstances that preceded the introduction into the House of Assembly of the Bill in question.

In the month of March, 1848, a change took place in the composition of Your Lordship's Cabinet, and the Baldwin-Lafontaine Ministry assumed the reins of power. A large majority of the Representatives in the Provincial House of Assembly gave their support to the new Administration, and, even by those politically opposed to them, every disposition was shown to afford them a fair trial. After a very brief Session, the

new Parliament—the result of whose meeting had been their advent to power—was prorogued, in order to afford time for the preparation of those measures which might be deemed necessary to advance the interests of the Province. Ten months sped on, and at last it was announced that the Ministry were prepared to meet the Provincial Parliament, which was accordingly summoned together in the month of January last.

The interval that had thus elapsed had been one of peace and tranquillity in Canada, in spite of a general stagnation of trade and the various evils consequent thereon. Among the people of the Province a strong feeling had arisen in favor of legislative action for the encouragement and protection of Provincial manufactures. Men of all races and of every shade of political opinion united for the promotion of a cause in which they considered the welfare of the Province to be involved. Canadians of every descent—French, English, Irish, and Scotch—laid aside those petty jealousies which had kept them asunder, and met together as fellow-workers in a common cause. Personal and social intercourse bid fair to produce their almost inevitable effects—mutual esteem and kindly feeling; the estrangement which the events of 1837 and 1838 had engendered between the British and French portions of the population of Lower Canada, was fast dying away; and a large majority of both seemed prepared to work together with energy and concord for what they deemed the common weal of the country.

This, my Lord, was the season chosen by the Liberal Ministry to introduce the Rebellion Losses Bill, thus lighting up anew the fast waning fires of discord, and effectually checking that union which some, at least, of their number, looked upon with dismay and dread. Mr. LaFontaine as well as several of his colleagues, had gone to the hustings at the previous election, pledged to maintain the principles of Free Trade. He now conse-

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quently found himself occupying a position, and necessitated to take a course, which would array against him a large and influential body of those to whom he owed his elevation to place and power, unless he disregarded his solemnly recorded pledges, or could devise some other means of extricating himself from so awkward a dilemma. In this view of the matter, I see little reason to doubt that the hope of alienating from each other the two sections into which the advocates of protection were, by national origin, divided, and the fear of being outbid and forestalled, in the contest for popularity with his countrymen, by a rival demagogue, were the considerations which encouraged Mr. LaFontaine to indulge his natural sympathies with those who had taken part in "the unhappy occurrences" of '37 and '38, (as your Lordship's Ministers are now pleased to style the Rebellion,) by bringing forward a "measure of indemnity," principally intended for their benefit and behoof. In one, at least, of these objects, he was but too successful; the events of the last three months, consequent on the introduction of this measure, have done more to sunder the French and British population of Lower Canada, than the last ten years had done to bring them into friendly feeling towards each other.

What arguments Mr. LaFontaine employed to gain the concurrence of his colleagues in the measure, and Your Lordship's consent to its introduction into Parliament, I can only guess at; that they were deemed urgent and powerful is shown by his ultimate success. There is, however, sufficient evidence to prove, in my opinion, that he was not unopposed by other members of the Ministry, and that, even after their consent had been won, (very reluctantly, it is whispered, in some cases,) a considerable time elapsed before the Hon. Attorney General (East) could muster sufficient courage to lay the matter before Your Lordship. The Hon. W. H. Merritt, President of Your Lordship's Exe-

cutive Council, addressed a letter to his constituents on the 6th March last, in which the following passage occurs:—

"On becoming a member of the Government, I found the payment determined on by the Administration. My first impression was, I confess, against it; but I soon became convinced that they (the Ministers) had no alternative.—[*Montreal Pilot*, 30th March, 1849.]

Mr. Merritt was gazetted on the 16th September, at which time, as above stated, the measure of indemnity was under consideration in the Council; and had Your Lordship been informed of the proposed measure previous to the meeting of Parliament on the 18th January, four months afterwards, I can scarcely suppose it would have been passed over unnoticed in the Speech with which you opened the Session, while so many matters of comparatively minor importance were announced.

Parliament had not been long in session, when it was rumoured abroad that a proposition to pay the losses incurred in 1837 and 1838, including those suffered by parties then in arms against the Sovereign, would shortly be laid before the House.

The report was not unfounded. On the 13th day of February, Mr. LaFontaine submitted to the Legislative Assembly certain Resolutions on the subject of the Rebellion Losses, which he proposed that the House should consider forthwith in Committee of the Whole. It was urged in opposition, that the measure had taken the country by surprise, and that no time had been afforded to allow an expression of opinion from places at any distance from Montreal. A motion was accordingly made for ten days delay, which, after a week's animated debate, was lost by a majority of 36; and on the 20th February, the Assembly resolved itself into Committee of the Whole to consider the proposed resolutions.

In the course of these debates, scarcely an attempt was made to conceal the intention of the Ministry to indemnify those who had been engaged in the Rebellion; on the con-



trary, such an intention was openly avowed by several of the speakers on the Ministerial side of the House; and of these admissions I will now proceed to bring a few under Your Lordship's notice.

I. By some of these speakers the payment of Rebels was defended, on the ground that IT WAS HIGHLY INEXPEDIENT NOW TO ENQUIRE WHO WERE, OR WHO WERE NOT, REBELS.

1. In the debate of the 13th February, for instance, the Hon. Malcolm Cameron, a member of Your Lordship's Administration, protested against all enquiry on the subject:

"He (Mr. Cameron) trusted there would be no Star Chamber scrutiny as to whether a man was loyal or not; the question was whether property had been wantonly destroyed or not. The people of Upper Canada were satisfied to pay."—[*Montreal Pilot*, 14th February, 1849.]

2. He was supported by the Hon. Francis Hincks, another member of Your Lordship's Administration, who, in the same debate, made use of the following expressions:

"It appeared, from what the hon. member stated, that he had no objection to the payment of what he had called the just claims for Rebellion Losses; and yet, at the same time, was very indignant, as was also the hon. member for Frontenac, that any person who was not, in their phraseology, a loyalist, should be paid. In reply to that, he would merely have to quote the words of his hon. friend, the member for Kent, who had asked if they were going to establish a Star Chamber Commission, to try who was loyal and who was not."—[*Montreal Pilot*, 14th February, 1849.]

3. Mr. Hincks repeated this argument in even stronger and more unequivocal terms in a circular issued by him, under date of the 10th February:

"It may happen that parties were engaged in the rebellion who were never convicted of high treason, and who, therefore, WOULD NOT BE EXCLUDED UNDER THE ACT. I believe the amount of such claims would be very small in proportion to the whole amount; and it would be very injudicious indeed were the Legislature, for the sake of excluding them, to sanction a false principle, and to allow any set of Commissioners to decide arbitrarily that men were rebels who had never been convicted of high treason."—[*Montreal Pilot Extra*, 26th February, 1849.]

4. In the same circular, Mr. Hincks writes as follows:—

"It is not proposed to pay a shilling to any individual who has been convicted of high treason; but,

in dealing with the question, it is impossible to determine who were and who were not Rebels."—[*Montreal Pilot Extra*, 26th February, 1849.]

5. The Hon. Wm. H. Merritt, President of your Lordship's Council, thus spoke in the debate of the 15th February:—

"A general amnesty has since been proclaimed, and could we draw an odious and invidious distinction, at this late day, to create dissatisfaction? We trust all are now good and loyal subjects; it is our duty to keep them so, and not disturb the harmony which now happily prevails. From the results of my own personal experience, I feel it would be very difficult to draw those delicate distinctions between those called loyal and disloyal."—[*Montreal Pilot Extra*, 26th February, 1849.]

6. During a subsequent debate similar language was used by the Hon. Robert Baldwin, a fourth member of Your Lordship's Administration:—

"He agreed entirely with his Hon. friend from Norfolk, that after an Act of Amnesty, it would be disrespectful to Her Majesty, and an outrage on the man seeking compensation, to enquire what part he took at the time of the troubles."—[*Montreal Pilot*, 28th February, 1849.]

7. Lewis T. Drummond, Esq., Solicitor General for Canada East under Your Lordship's present Ministry, not content with supporting the opinion of Mr. Baldwin, as given above, carried the principle to an extent which I should hope even that gentleman would hesitate to adopt. Speaking of the convictions recorded in the Courts Martial against parties taken in the act of rebellion, he said:—

"He hoped the time would come when these decisions would be reversed, but let it be done in a constitutional way. It was no business of the House to say who were guilty of high treason, for the Act of Indemnity had done away with all that. In technical language, the persons pardoned were in the same position as before."—[*Montreal Pilot*, 28th February, 1849.]

And yet, my Lord, these very persons have induced your Lordship to believe that they had no intention "to compensate the losses of persons guilty of the heinous crime of treason," while in the House of Assembly as Your Lordship will perceive, they had denounced as "impossible," "very injudicious," "a Star Chamber scrutiny," "a false principle," "an outrage," to the claimant,

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and "disrespectful to Her Majesty," any enquiry which would tend to "exclude under the Act" parties who had been "engaged in the Rebellion."

II. Another line of argument used by debaters on the Ministerial side of the House, was, that it was unjust to withhold compensation from those who had been Rebels, BECAUSE THE INJUSTICE AND OPPRESSION OF THE BRITISH AND PROVINCIAL GOVERNMENT HAD OCCASIONED THAT REBELLION.

1. In the debate of the 13th February, the Hon. Francis Hincks, Inspector General, thus defended the Rebellion of 1837 and 1838:—

"The hon. gentleman had shown great indignation against those individuals who had taken up arms in 1837 and 1838, but he would ask who was responsible for disturbances, but the hon. gentleman opposite, and the party whom he supported? (Ironical cheers from the opposition.) Yes! Those were the parties whom he would have held responsible, and he was confirmed in that opinion, by the expressed declarations of two noble lords from England; one of whom had declared explicitly that from the unconstitutional manner in which the Government was carried on, the people were perfectly justified in taking up arms to oppose it."—[*Montreal Pilot*, 14th February, 1849.]

2. William Hume Blake, Esq., Solicitor General for Canada West under Your Lordship's present Ministry, spoke as follows, in the debate of the 15th February:—

"From the first period of British interference in the affairs of Lower Canada, up to the time of Lord Durham, every species of oppression was freely practised. The administration of justice was perverted; property was not sacred; and worse still, aye, a thousand times worse, a loyal but contemptible and pitiful minority, seized on every office in the gift of the crown and trampled on men far superior to themselves in every sense of the word."—[*Montreal Pilot*, 16th February, 1849.]

3. In another part of the same speech, Mr. Blake, in a tone and spirit which must, I am sure, be repugnant to Your Lordship's feelings, compared the Loyalists of 1837 and 1838, to the Jews, who had hurried "the great founder of our religion to the cross":—

"He had no sympathy with the spurious loyalty of the hon. gentlemen opposite, which, while it trampled on the people, was the slave of Court—a loyalty which, from the dawn of the history of the world down to the present day, had lashed humanity

into rebellion. (Cheers.) With such loyalty, he for one could have no sympathy. He would not go to ancient history, but he would tell the hon. gentlemen opposite of one great exhibition of this loyalty; on an occasion when the people of a distant Roman Province contemplated the perpetration of the foulest crime that the page of history records—a crime from which Nature in compassion hid her face and strove to draw a veil over; but the heathen Roman lawgiver could not be induced by perjured witnesses to place the great founder of our religion upon the cross. "I find no fault in him," he said. But these Provincials, after endeavouring by every other means to effect their purpose, had recourse to this spurious loyalty—"If thou testest this man go, thou art not Cæsar's friend," (Cheers.) Mark the loyalty; could they not trace it in this act? aye, and overcome by that mawkish, spurious loyalty, the heathen Roman Governor gave his sanction to a deed whose foul and impure stain eighteen centuries of national humiliation and suffering have been unable to efface. (Cheers.) This spurious, slavish loyalty was not British stuff, (cheers); this spurious, bullying loyalty never grew in his native land. If, after years of struggling to obtain their rights, they found a doctrine so detrimental to the views advanced by the Government, the blame was much lessened, for it was more deserving of being denounced as rebellious than the efforts to set it aside. There sit the loyal men, [pointing to the opposite side of the House,] who shed the blood of the people, and trampled on their best and dearest rights."—[*Montreal Pilot*, 16th February, 1849.]

4. In the same speech, Mr. Blake asserted that the loyalists who opposed the present Liberal Ministry were the real rebels.

"He would tell those hon. and loyal gentlemen, who were so highly offended the other day at having the term 'rebel' applied to them, that he called them rebels, and they must not expect to receive any apologies from his mouth."—[*Montreal Pilot*, 16th February, 1849.]

5. In the course of the debate of the 15th February, the Hon. James Hervey Price, one of Your Lordship's Ministry, thus spoke of the losses occasioned by Her Majesty's troops and the Loyal Militia acting with them:—

"By what right do you refuse to pay for outrages caused by the *Goths and Vandals*, who had desolated the Province from one end to the other? Was it too much to appropriate for such a purpose, not £200,000, as had been repeatedly stated, but £100,000?"—[*Montreal Pilot*, 16th February, 1849.]

6. In the debate of the 13th February, Dr. Wolfred Nelson, M. P. P. for Richelieu, one of the principal Generals of the Rebel Forces in 1837, and now one of the supporters of the present Ministry in Parlia-

ment, thus justified the course he had then taken :

"He would resist oppression again, as he had done before, when the laws no longer protected him."—[*Montreal Pilot*, 14th February, 1849.]

7. In the debate of the 22nd, the Hon. Henry John Boulton, M. P. P. for Norfolk, and a Ministerial supporter, spoke of the same Dr. Nelson as one—

"Who, although he stood up in defence of his rights, yet should not be regarded as a Rebel against his Queen and country."—[*Montreal Pilot*, 23rd February, 1849.]

8. In the debate of the 20th, this justification was further urged by Dr. Davignon, another supporter of the Ministry:—

"Was it because among those persons there were some who, like his own friend the member for Richelieu, would not suffer without resistance, that such claims should not be paid. All parties acknowledged that the course of resistance adopted on that occasion was justifiable."—[*Montreal Pilot*, Supplement, 21st February, 1849.]

9. Mr. Scott, M. P. P. for Two Mountains, for whose apprehension a reward of £500 was offered in 1837, and now one of the supporters of your present Ministry, thus gave his reasons, in the debate of the 20th, for his having joined the Rebels.

"At that time he had separated himself from his friends and relatives, and joined his French Canadian neighbours, because he thought that they had justice on their side."—[*Montreal Pilot*, 21st February, 1849.]

10. Benjamin Holmes, Esq., the colleague of Mr. LaFontaine in the representation of Montreal, and a strong supporter of the Ministry, made use of the following language in the debate of the 20th February:

"The people were to be insulted, their liberties trampled upon; but no efforts were to be made to maintain their rights. That might be called *loyalty to the Crown*; but he would call it by another name,—he would call it *tyranny to the people*. \* \* \* He had found himself arrayed in 1837 and 1838 on the side of those who put the rebellion down, yet he now hesitated not to say that he had not then searched into the causes of that rebellion so narrowly as he had done since, or he would have been ashamed to be found on that side."—[*Montreal Pilot*, Supplement, 21st February, 1849.]

These extracts will surely suffice to show Your Lordship the view taken of "the un-

fortunate occurrences" of 1837 and 1838 by your present advisers and their supporters in the House of Assembly; and I beg leave humbly to submit to Your Lordship, whether those who held such language as this—language unchecked by a single member of the ministerial majority—could, without the sacrifice of all reason, consistency, or justice, refuse compensation for the "outrages caused by "Goths and Vandals" on those "oppressed" people, who, "lashed into rebellion" by the "spurious, slavish, bullying loyalty" of a "contemptible and pitiful minority" of "rebel" "tyrants," took up arms against their Queen, in a "justifiable course of resistance?"

These two lines of argument were those principally used from the ministerial benches, to defend the proposition to pay the losses of Rebels; in addition to the assertion—which I shall afterwards examine—that they were pledged to it by the action of the previous Government. But some bolder genius occasionally stepped aside from the beaten track and adduced an argument which had at least the charm of novelty.

Of such a character was that used by Mr. Hincks in his circular of the 10th February—an argument which might have had some force had the proposition to tax the loyal in order to pay the rebel been resisted on mere pecuniary grounds alone, and not, as it really was, on the immutable principles of honour, justice, and loyalty.

"To the people of Upper Canada the question is of no pecuniary importance. The losses of parties whose claims are admitted to be just by Sir Allan McNab and Mr. Sherwood, and who never were engaged in the Rebellion, would amount to more than £100,000, which is the utmost amount that it is proposed to grant. The practical effect, therefore, of admitting the disputed claims, would simply be to reduce the proportionate amount payable to the other claimants." [*Montreal Pilot*, Extra, 26th Feb., 1849.]

The whole amount of claims submitted to the Commission of Inquiry was, I believe, upwards of £250,000, of which £100,000, according to Mr. Hincks, were claimed by

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Mr. Hincks' words than that out of every five  
shillings admitted to be due for these just  
claims, three were to be taken to indemnify  
those who *had* aided in the Rebellion?\*

In addition to the various arguments thus  
tactily implied or openly avowed, to justify  
the payment of Rebels, I am able to submit  
to Your Lordship two other classes of proofs  
in support of my assertion that such was the  
intention of the Ministry.

I. The first of these classes is to be found  
in the numerous instances where questions  
were put directly to the Ministers, relative  
to their intentions, and where their silence  
leaves not a shadow of a doubt in any unpre-  
judiced mind, that *they did intend to pay Rebels.*

1. During the debate of the 13th Feb-  
ruary, Henry Smith, Esq., M.P.P. for Fron-  
tenac, in opposing Mr. LaFontaine's Resolu-  
tions, thus questioned the Ministerialists:—

“He would rather die than vote for paying such  
claims as these. He said one of these, amounting to  
£23,000, was for one of the leaders of the rebellion.  
*Would any hon. member from Upper Canada vote for  
paying that?*—[No one answered.] Now there were  
certain just claims that ought to be paid, but he  
would never consent to pay those who first got up  
rebellion and afterwards lost by it.”—[*Montreal  
Pilot, 14th February, 1849.*]

2. A similar question was put that evening  
by the Hon. Henry Sherwood, M.P.P. for  
Toronto, to Messrs. LaFontaine and Baldwin:

“Perhaps a great deal of that discussion might be  
prevented if the hon. Attorneys General would rise  
in their places, and say that *it was not intended to pay  
the claims of those parties who had taken part in the  
rebellion.* If they still kept silent, he would be justi-  
fied in supposing that it was intended to do so. (No  
reply.)”—[*Montreal Pilot, 14th Feb., 1849.*]

3. During the same debate, the question  
was repeated by Col. Gagy, M. P. P. for  
Sherbrooke:—

“As to the Resolutions before the House, he  
would ask the Members of the Administration one  
question, and if answered satisfactorily he would  
give them his support. *Did they mean to limit the  
compensation to loyal men?* He paused for a reply.  
(The hon. gentleman stopped for a few minutes.)

\*See Postscript, Page 16.

There was no answer—he could form his own con-  
clusions.”—[*Montreal Gazette, 14th Feb., 1849.*]

I may here remark, my Lord, that I have  
hitherto taken every extract in this  
letter from the *Montreal Pilot*, a thorough  
supporter of the Ministerial policy, and  
whose authority cannot well be disputed by  
Your Lordship's Advisers—the more espe-  
cially, as at the period to which I refer, and,  
indeed, until a few weeks ago, it was the  
property of the Hon. Mr. Hincks, Inspector  
General. In the last case, however, I have  
been compelled to quote from another paper,  
the only report contained in the *Pilot* (14th  
February) being—“Mr. Gagy followed in  
favour of the amendment.” I am obliged,  
for a similar reason, to recur to the same  
source for the next extract I have to present.

4. On the sixth of March, when the Bill  
was in Committee, the following pointed  
questions were put by Col. Prince, M. P. P.  
for Essex, but, like those previously given,  
they were of no avail in eliciting an an-  
swer:—

“Col. PRINCE stated that a great deal of uncertainty  
existed as to the class of persons whom it was in-  
tended by the Ministry to pay, under the measure  
introduced by them, and he begged Mr. Attorney  
General LaFontaine to settle the matter explicitly, by  
replying to certain questions which he would put to  
him. Col. Prince promised, on his part, to regard  
the replies as final, and after receiving them, would  
allude no further to the Rebellion claims.

He then put the following questions in a deliber-  
ate, solemn manner, pausing between each for an  
answer.

Do you propose to exclude, in your instructions to  
the Commissioners to be appointed under this Act,  
all who aided and abetted in the Rebellion of 1837,  
1838?—No reply.

Do you propose to exclude those who, by their  
admissions and confessions, admitted their participa-  
tion in the Rebellion?—No reply.

Do you mean to exclude those whose admission of  
guilt, is at this very moment in the possession of the  
Government, or of the Courts of Law, unless these  
admissions have been destroyed with the connivance  
of hon. gentlemen opposite?—No reply.

Do you mean to exclude any of those 800 men  
who were imprisoned in the Gaol of Montreal, for  
their participation in the Rebellion, and who were  
subsequently discharged from custody through the  
clemency of the Government, and whose claims I un-  
derstand to exceed some £70,000?—No reply.

Do you not mean to pay every one, let his participa-  
tion in the Rebellion have been what it may, except the  
very few who were convicted by the Courts Martial



and some six or seven who admitted their guilt and were sent to Bermuda?—No REPLY.

Col. PRINCE then said, "Will the hon. Attorney General East, answer the questions seriatim? I will read them to him again or place them in his hands if he pleases, and I hope he will answer them as candidly as he did that of the hon. Member for Frontenac.

Mr. LaFontaine.—The questions have been asked and answered over and over again. If the honorable gentlemen wish to open the debate again, they are welcome, but the questions have been asked over and over again.

Mr. Baldwin.—Yes, over and over again.

Colonel PRINCE.—If the honorable gentleman will only answer those questions, so that I can inform my constituents, I will promise him not to speak on this question again during the whole session.

Mr. LaFontaine.—They have been asked and answered during the debate before, and they need not be answered now, unless the honorable gentlemen wish to debate it again.

Col. PRINCE.—Then I must take it for granted, that the Attorney General refuses to answer them. I understand that he will make no answer to them."—[*Montreal Gazette*, 7th March, 1849.]

Can it for a moment be supposed, that if the Ministry could have answered—"No: we do not intend to pay Rebels!" these clear and decisive questions would have remained for a moment unanswered?\*

II. One or two of the speakers, more honest, or less cautious, than the rest, boldly avowed that Rebels would be paid, without considering it necessary to gloss over or justify it.

1. In the debate of the 20th, Dr. LaTerrière, M. P. P. for Saguenay, and a supporter of the Ministry, thus spoke:

"He would pay ALL who had suffered by chance of war, or on the scaffold. The majority of the people had pronounced in favour of the measure before the House; and, in fact, the Administration could not reject their legitimate offspring."—[*Montreal Pilot*, 21st February, 1849.]

2. The Hon. Henry John Boulton, in his speech of the 22nd February, already quoted from, while introducing the amendment to the Resolutions which was adopted by the Ministry, announced that

"HE PROPOSED TO PAY THE LOSSES OF ALL THOSE WHO HAD NOT BEEN CONVICTED OF HIGH TREASON, OR BANISHED TO BERMUDA."—[*Montreal Pilot*, 23rd February, 1849.]

3. The Hon. Wm. H. Merritt, President of the Council, in his Circular of the 6th

March, avowed his disapprobation even of the limitation made by Mr. Boulton:

"Although the Government approved of Mr. Boulton's amendment, which excludes those who were sent to Bermuda, I WAS PREPARED TO VOTE FOR EXCLUDING NONE. The principle of paying those losses once admitted, no distinction should be made at this late day. After a general amnesty has been proclaimed, no man should be proscribed for the opinion then entertained."—[*Montreal Pilot*, 30th March, 1849.]

Unless these gentlemen have adopted as a maxim that "language was given us in order to conceal our thoughts," I am at a loss to know what other interpretation can possibly be put on their declarations, than that every one—rebel or loyalist—was to be paid, "except," in Col. Prince's words, "the very few who were convicted by the Courts Martial, and some six or seven who admitted their guilt, and were sent to Bermuda."

Some advocates of the Ministry point triumphantly to the exceptions given in the last sentence, as abundant evidence that there was no intention to indemnify Rebels; but I think Your Lordship will see that, on the contrary, it is the very strongest argument for the existence of such an intention. "*Exceptio firmat regulam*" is a maxim familiar from our school-days. The exception proves the rule—and the very provision by Legislative enactment against the payment of a *certain class of Rebels*, clearly proves that every man engaged in the Rebellion, and not so excluded, must be held fully entitled to indemnification, on the same footing as the loyalist.

It may legitimately be inferred, from the after introduction of this amendment, that it was originally intended to pay even those whom its provisions went to exclude. But we are not obliged to resort to mere inference on this subject; the declarations in the Legislative Assembly in relation thereto, are sufficiently clear and explicit.

During the debate of the 15th February, Dr. Nelson, one of those afterwards excluded by the amendment, as having been sent to Bermuda, admitted in the presence of

Minister he had measure

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Ministers, and uncontradicted by them, that  
he had a pecuniary interest in the proposed  
measure:—

"Sir Allan McNab would ask them if the claims  
handed in by certain parties, who had been also late-  
ly in arms against Her Majesty's Government, were  
the claims they intended to pay? From their silence  
he would again suppose it to be so. Well, if that was  
the case, he would say that the hon. Member for Riche-  
lieu, whose gallantry he admired as much as any  
man—(hear)—was one who ought pre-eminently to  
be satisfied; but he must remark, that according to  
the rules of Parliament, the hon. gentleman ought  
not to give his vote on the occasion, *as it was one in  
which his pecuniary interests were concerned.*

Dr. Nelson—*did not intend to do so.*"—[*Montreal  
Pilot*, 16th February, 1849.]

And on a subsequent occasion—the 22nd  
February—in seconding the amendment of  
Mr. Boulton, by which his own *direct* claims  
would be excluded, Dr. Nelson gave as his  
reason for so doing, that it would facilitate  
the settlement of the claims of his friends and  
followers:—

"Dr. Nelson wished sincerely that nothing should  
be given him, if that would prevent others from re-  
ceiving the payment of their just losses—and that  
*whether the claimants were called loyalists or rebels.*  
If, by this amendment being carried, he could get the  
measure through the House, he would be exceeding-  
ly happy."—[*Montreal Pilot*, 23rd February, 1849.]

I doubt very much, however, whether  
this amendment of Mr. Boulton's, as in-  
corporated into the Bill, will have the effect  
of annulling all claims preferred on behalf of  
Dr. Nelson and those in similar circumstances  
If Your Lordship will take the trouble to turn  
to the Act as passed, which is hereto append-  
ed,\* it will be seen that Mr. Boulton's amend-  
ment is certainly incorporated therein, at the  
close of the Preamble, excluding from indemn-  
ity all persons who have been *convicted* of  
*alleged* high treason, and all who had been trans-  
ported to Bermuda. But on referring to the  
eleventh section of the Act, it will be observ-  
ed that the Commissioners have full power  
to enquire into "*the several claims and de-  
mands which have accrued,*" to "*Her Ma-  
jesty's subjects and others, by such losses.*"  
Your Lordship's legal experience cannot fail

to show you, that, under this clause, the  
creditors of any of these excluded parties  
can file their claim for the amount of loss  
accruing to them in consequence of the de-  
struction of the property of their debtors, or  
their transportation from this Province.

This was evidently the view taken by the  
Hon. Mr. Price, Commissioner of Crown  
Lands, in the debate of the 15th February:—

"He would put one case : was it just that the cre-  
ditors of a person engaged in the rebellion should suf-  
fer by damage done wantonly, and after the rebellion  
was extinguished?"—[*Montreal Pilot*, 16th Febru-  
ary, 1849.]

And what amount of claims may be pre-  
ferred in one of those cases alone, may be  
gathered from the statements of Dr. Nelson,  
in the debate of the 22nd February:—

"Now, as to the claims made for his property, he  
had sent in a detailed account of the losses which  
had occurred, and which amounted to £23,000, of  
which £11,000 did not belong to him, but to his  
creditors. He mentioned their names, and, as far  
as his memory would serve, that was the amount.  
\* \* \* \* \*

He therefore hoped the hon. member for Hamilton  
would not blame him if he did vote on this occasion:  
he did not do so for his own individual profit, but in  
order that people who had innocently suffered a  
heavy loss might at length have their claims satis-  
fied."—[*Montreal Pilot*, 23rd February, 1849.]

If, after the perusal of the various proofs  
I have had the honour of laying before you,  
any doubt should still exist in Your Lord-  
ship's mind as to the intention of your Ad-  
ministration to provide for the indemnifica-  
tion of Rebels, I have to request Your Lord-  
ship's attention to the proceedings of the Le-  
gislative Assembly on the 27th and 28th of  
February, when the Resolutions of Mr. La-  
Fontaine were reported to the House from  
the Committee of the Whole. A full extract  
from the "*Votes and Proceedings*" of that  
date will be found appended,\* and the deci-  
sions come to on the various amendments then  
presented, must afford convincing evidence  
of the intentions, not only of the Ministry, but  
of the majority of the Representatives of the  
People in Parliament. I would, however,  
specially bring under Your Lordship's no-

\*Appendix, No. I. Page 19.

\*Appendix No. II. Page 21.

tice the amendment of the Hon. Mr. Robinson, proposing to exclude from compensation "ANY PERSON WHO WAS IN ANY MANNER IMPLICATED IN THE SAID REBELLION, OR WHO REFUSED, WHEN CALLED UPON, TO AID IN SUPPRESSING IT;" and that of Mr. Wilson, who moved to insert the following words—"NOR ANY PERSON WHO AIDED, ASSISTED OR ABETTED THE SAID REBELLION, SHALL BE ENTITLED TO ANY INDEMNITY." Both of these proposed amendments were REJECTED by a "large majority of Representatives," who thus openly refused to exclude from indemnification those who had "aided, assisted, or abetted the Rebellion;"\* and yet, Your Lordship has been induced by your Advisers to believe—and to promulgate that belief—that this "large majority of Representatives" did not intend "to countenance Rebellion, or to compensate the losses of persons guilty of the heinous crime of treason."

I have hitherto confined myself, as Your Lordship will observe, to the proceedings and debates in the Legislative Assembly; and with regard to the progress of the Bill through the Legislative Council, my remarks shall be very brief. The debates in that House were not unattended with points of interest, as regards the question in the solution of which I am now engaged, but I shall only offer to Your Lordship's consideration the statements of one of the Honorable Members of the House,—the Hon. Robert Jones. You have doubtless not forgotten, my Lord, that this was one of the twelve gentlemen elevated to the Upper House, by the advice of your present Ministry, in the course of less than six months, thus raising the number of members of the House from 33 to 45. Mr. Jones, as might have been supposed from this appointment, is in general a supporter of the Ministerial policy, as well as a personal and intimate friend of several of your Ministry; but on the momentous question of the Rebellion Losses Bill, he could not bend

his conscience to vote for what he considered an "encouragement of acts of insubordination." His manly and energetic speech in the Council, on the 14th March, is worthy of Your Lordship's attentive perusal, and I quote from it at some length, from a newspaper to which I must again have recourse, as the only notice taken in the *Montreal Pilot* is the following sentence, in its issue of the 16th: "The Hon. Mr. Jones, one of the new members, spoke against the Bill:—

"It appeared to him that, *by the bill, all who were not excluded by the proviso, were clearly entitled to their claims, and justly too, under its provisions. If there had been no proviso, they might have believed the professions of the Ministry; but, since there had been a provision made to the bill, it should have gone a little further. As it stood at present, it would admit the claims of persons just as guilty as those who were excluded, and if the simple terms 'or all who were guilty of an overt act of rebellion,' had been added to the provision, he would have voted for it. And why did they not do this?—it would have disarmed the opposition conclusively. But he had reason to know that no class of persons would be excluded who were guilty of overt acts of rebellion; and he knew that persons who had menaced his own life, who had attempted to destroy his property, and had harassed and distressed his family, were claimants, and he could not support their being paid. He could not give the bill his support, but, on the contrary, he felt himself bound to oppose it, because he felt it would include a class of persons some of whom he mentioned to one of the Ministry; THAT MEMBER OF THE GOVERNMENT DID NOT DENY THAT THEY WERE GUILTY OF OPEN ACTS OF REBELLION.* He (Mr. J.) said therefore that if they professed to treat those who upheld the constitution of their country and those who did their best to subvert the laws alike, they removed the landmarks of morality, they encouraged acts of insubordination. He was happy to hear, however, from those who supported the measure, that they repudiated the rebellion of 1837-38; he was happy to hear that they did not consider that the hand of oppression weighed heavy enough upon them to justify resistance to the laws of their country; for assuredly there were no circumstances at the time of the rebellion to justify resistance to the laws of the land; things had not arrived at that point at which resistance became justifiable, and if there was anything to justify a rebellion in 1837, there was assuredly nothing in 1838, when the Imperial Government had sent out a High Commissioner to enquire into their grievances, and when the Commissioner had promised them redress. He considered that there was no pretext, no ground whatever, for getting up a rebellion in 1838, and he considered that the rebellion which broke out then was nothing but a foul conspiracy to destroy the lives and property of the loyal people of the country. He had suffered from that conspiracy, and he could not support a measure to pay those persons who attempted to destroy his property and meditate his

\*See Postscript, Page 18.

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life. By supporting such a measure, he thought he would be acting quite inconsistently with what he considered his duty, and what he considered necessary to preserve his peace and property in the country."—[*Montreal Gazette*, 19th March, 1849.]

On a subsequent occasion—the 14th of May—Mr. Jones reiterated his belief that the Ministry did intend to pay Rebels:—

"He had come into this House predisposed to support the Administration, professing then to be, as he was still, a liberal in his opinions. He repeated he was disposed to support the Administration, so far at least as he should consider their measures and policy might tend to promote the good of the country. When the measure to which the question now before the House led him—he meant the Rebellion Indemnity Bill—was introduced into Parliament, assuming, as he was constrained to do from its wording, that it embraced in its provisions all such persons as were not expressly excluded by one of its clauses, without reference to the part they had taken during the rebellions of 1837 and '38; but desiring to inform himself as to the correctness of his views of it, he sought light upon the subject from every possible source, and he must say that all the information he could gather in regard to it concurred to satisfy him that he had taken a correct view of the measure. He was convinced that all, irrespective of the part they had taken during the rebellion of 1837 and '38, would be entitled to be indemnified under the provisions of the bill, who were not excluded by the proviso contained in it, that is to say, he who had raised his arm to subvert the Queen's authority in the country, as well as he who had done the same thing to support it, would indiscriminately be entitled to indemnity by the bill, with the exception of those alone who were particularly excluded by the proviso made in the bill itself; consequently, he who had suffered loss through his rebellion and his own wicked acts, would be entitled to be paid such loss. He distinctly recollected the remarks which fell from the hon. Speaker on a recent occasion, adverted to by the hon. member who spoke before the last (Mr. James Morris), and he must confess that he was surprised to hear these remarks at the time they were made, because they were so much at variance with everything he had before heard from that hon. member or any other member of the administration. Assuredly, had such views been entertained by those hon. gentlemen when the bill was introduced into Parliament, they would have expressed them when it was under discussion in that house. There were three Hon. members of the administration present on that occasion, neither of whom ventured to make any such declaration at that time. As the hon'ble member (Mr. J. Morris) to whom he had alluded, had thought proper to advert to a statement made to him personally by the hon. Speaker, which he said induced him to support the bill alluded to, he (Mr. Jones) would advert to what took place between himself and another hon. and distinguished member of the Government, at a private interview, in contradiction to what the hon. member had stated as the views entertained by the administration, expressed to him by the hon. Speaker. At the interview he referred to, after considerable conversation on the subject of the Indemnity Bill had taken

place, and considerable difference of opinion had arisen between them in respect to it, IN ORDER THAT HE MIGHT NOT MISTAKE THE VIEWS OF THE HON. MEMBER OF THE GOVERNMENT, HE (Mr. Jones) HAD NAMED THREE OR MORE PERSONS WHOM HE AND THAT DISTINGUISHED MEMBER OF THE GOVERNMENT BOTH KNEW TO HAVE BEEN ENGAGED IN OVERT ACTS OF TREASON AND REBELLION; THAT THEY WERE PERSONS WHO HAD TAKEN UP ARMS TO SUBVERT THE GOVERNMENT; HE ASKED HIM IF THOSE INDIVIDUALS WOULD BE ENTITLED TO INDEMNITY UNDER THE BILL? THAT HON. MEMBER OF THE GOVERNMENT WAS TOO HONEST AND TOO HONORABLE A MAN TO ATTEMPT TO DECEIVE HIM; HE THEREFORE ANSWERED HIM CANDIDLY AND FRANKLY, THAT THEY COULD MAKE NO DISTINCTION, AND CONSEQUENTLY THOSE PERSONS COULD NOT BE EXCLUDED FROM BEING INDEMNIFIED FOR THEIR LOSSES, IF THEY HAD SUSTAINED ANY. He should not have adverted to this circumstance had he not deemed it necessary to do so, to meet the assertion openly made by the hon. Speaker from his place in that house, and the statement of the hon. member who had based his opinions upon the information he had personally received from the same hon. individual." [Montreal Pilot Supplement, 19th May, 1849.]

No contradiction has ever been attempted of this frank and open statement, even by that member of Your Lordship's Administration (Mr. LaFontaine) who is generally believed to be therein alluded to. The veracity of Mr. Jones is above suspicion, and the proof here afforded that the framer of this unfortunate Bill contemplated the "indemnification of persons guilty of the heinous crime of treason," is unanswerable and overwhelming.

I trust that I have now established, to Your Lordship's satisfaction, the position I set out to maintain,—that the intention of your present Administration, in the introduction of the Rebellion Losses Bill, was to indemnify parties engaged in the Rebellion of 1837 and 1838. Should such be the case, I presume it will be apparent to Your Lordship that the meaning of the passage I have italicised towards the close of the Reply to the Hastings Address, undergoes a very important modification. Under the belief, which Your Lordship's advisers had succeeded in impressing on your mind, that the



measure of indemnity was never meant to apply to Rebels, the assertion that the claims therein provided for had been recognized by "preceding Parliaments and Governments," is a fair and correct one. Preceding Parliaments and preceding Governments have shewn every anxiety to compensate the *loyal* inhabitants of this Province for the injuries sustained at the hands of Rebels, or for the losses suffered in maintaining the authority of the Sovereign; and a measure to provide for such losses as these, strictly excluding all who could be proved to have committed any overt act of rebellion, would have received the unanimous support of the British population. But if it be established that the Act lately passed involves the payment of Rebels, Your Lordship will admit that the statement alluded to is no longer correct; the premises are changed, and the conclusion cannot remain unaltered.

But, my Lord, the false logic, which must be obvious to Your Lordship, seems to have escaped the notice of your Ministry and their supporters. There is an old story of an advocate, whose client was defendant in an action of damages for the cracking of a kettle while on loan, and who thus stated to the Court his intended line of defence:—"We are prepared to prove, my Lord—firstly, that the kettle in question was cracked when we received it; secondly, that it was whole when we returned it; and thirdly, that we never had it all!" In like manner, the Ministry, by endeavouring to prove too much, fall into inevitable contradictions. Their line of argument may be fairly stated thus:—"We have not now, nor ever had, the slightest intention of paying Rebels; but—the last Conservative Government had fully determined to indemnify Rebels—and we are only following their example!"

"The contemplated Act for Lower Canada," says Mr. Hincks, in the appendix to his circular before alluded to, "is to be framed precisely in the same terms as that

for Upper Canada, and, of course, to embrace the same description of claims." Let us examine whether the promise thus given has been fulfilled.

The evidence above adduced on the subject has, I think, clearly enough shewn that under the lately passed Act, every one—rebel or loyalist—is entitled to claim compensation, with the exception of the few excluded by Mr. Boulton's amendment. From the Preamble to the Act, 3 *Vic. c. 76*, passed by the Parliament of Upper Canada, previous to the Union, it will be seen what classes of persons were intended to be paid under it:—

"Whereas during the late unnatural Rebellion, and on the several hostile invasions of, and lawless aggressions upon this Province, at various points, by Foreigners and others from the United States of America, divers inhabitants of this Province sustained much loss and damage by the destruction of their dwellings, and other buildings and property, and by the seizure and carrying away of their property by the rebels and invaders, and otherwise; And whereas other of the said inhabitants essentially contributed to the effectual defence of the Province, by capturing many of the rebels and invaders, by advancing money and supplying meat, drink, lodging, clothing, arms and accoutrements, and also conveyances for the Militia Forces and otherwise, and by performing many important services in various ways, for which they have not hitherto been paid or satisfied, and their claims and demands are still outstanding: And whereas it is just and expedient that all such claims and demands should be paid and satisfied, after the same have been ascertained in the manner hereinafter mentioned: We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, therefore humbly beseech Your Majesty that it may be enacted: And be it enacted, &c."

Does this look like an Act for the benefit of Rebels?—Most assuredly not.

The second section of the Act authorizes the appointment of Commissioners—

"Whose duty it shall be to enquire into the losses sustained by Her Majesty's subjects, and other residents within this Province, during and in consequence of the late rebellion and invasions, and also into the said several claims and demands which have accrued in respect of any loss, destruction, or damage of property occasioned by violence on the part of brigands or pirates on the waters of the lakes or rivers dividing this Province from the United States; and they, or a majority of them, shall ascertain and determine and allow the amount thereof respectively."

A comparison of this section with the eleventh section of the late Act, as given in

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the appendix hereto, in which provision is made (the *only specific provision* in the whole Act) for losses occasioned *by the violence of those acting on behalf of Her Majesty in the suppression of the Rebellion*, will show whether the two Acts are "precisely in the same terms."

By others of the Ministerial supporters it was asserted that the Bill would exactly follow in its provisions the Act passed in 1846, for the payment of the losses in Lower Canada. I annex the Preamble of that Act—*9th Vic., cap. 65*—which proves that it was intended solely for the behalf of the loyal.

"Whereas it is expedient to make provision for the payment of the sums ascertained by the fourth and fifth Reports of the Commissioners appointed under the Ordinance of the Administrator of the Government of the late Province of Lower Canada, and the Special Council for the affairs thereof, passed in the first year of Her Majesty's Reign, and intituled, "*An Ordinance to authorize the appointment of Commissioners to investigate the claims of certain LOYAL Inhabitants of this Province, for Losses sustained during the late unnatural Rebellion*:" Be it therefore enacted, &c.

Had that word, "Loyal,"—a word, my Lord, which has not yet lost its force and meaning with the immense mass of the British population of this Province—had that single word been inserted in Mr. LaFontaine's Resolutions, and in the Bill founded thereon—the measure would have met the cheerful concurrence of every true-hearted Briton in Canada.

The Act of 1846 was passed specially to authorize the issue of Debentures in payment of the claims *already reported on* by the Commissioners appointed under the Ordinance therein recited; while the second section provides that both principal and interest of the Debentures so issued, shall be chargeable—not on the general funds of the Province, but on the "*Marriage License Fund of Lower Canada*." I have searched in vain, both through Mr. LaFontaine's Resolutions and his Bill, for language at all similar to that I have just quoted, and am therefore completely at a loss to know on what grounds

Mr. Solicitor General Blake states, (as he does in the *Montreal Pilot Extra*, of the 26th February last,) that these Resolutions followed the precedent afforded by the previous Administration, "*to the very letter*."

But with regard to the alleged intention of the Conservative Ministry to pay the losses of Rebels, I need scarcely do more than quote the arguments of the Hon. William Morris, President of Your Lordship's previous Executive Council, your official intercourse with whom cannot have failed to impress Your Lordship with a high sense of his honour and honesty, and must consequently give weight and authority to his statements.

In debate in the Legislative Council on the 14th of May last, Mr. Morris made use of the following language:—

"Much had been said respecting the letter of instruction issued from the late Provincial Secretary to the Commissioners, but he could give a *distinct denial to the charge, that the late Government ever intended to pay rebels*; they never intended any such thing, (hear, hear;) and with regard to the letter alluded to, it ought to be borne in mind, that the steps taken at the time the letter was written, were merely preparatory, so that some idea might be formed as to the probable amount which was claimed, so that they could be guided by the claims made as to the actually just and loyal losses. *Had such a principle as paying the losses of those who had rebelled been decided on, he would not for a moment longer have continued a member of the administration*. The claims made at that time, amounted to between £200,000 and £300,000, and the intention of Government was to approximate the claims made, striking off all such as had rebelled; and the only reason of not settling such claims as were just, was because of the large amount required even for that. It was said the present bill was the same as the one passed for the payment of the sufferers by the rebellion in Upper Canada; but that bill was not passed for the payment of the rebellious; and *if the late Government had been interrogated respecting their intentions, in the same manner as the present Government had been, the answer would have been 'No, we are not going to pay for rebel losses.'*"—[*Montreal Weekly Herald*, 19th May, 1849.]

And again, at a more advanced period of the debate, the same honorable gentleman said, that—

"*He held the same views, while a member of the administration, as he had expressed in his speech, and would rather have left the ministry, than have allowed payment to any one who had been engaged in the rebellion.*"—[*Montreal Weekly Herald*, 19th May, 1849.]

The assertion of Mr. Hincks, in his circular of the 10th February, "that the measure was forced upon us (the present Ministry,) by our predecessors," is thus, I conceive, conclusively shown to be altogether groundless; but even could the Hon. Inspector General *prove* all that he *asserts*, it would not alter the question at issue one whit. Those who oppose the present "measure of indemnity" would have been just as active and zealous in their opposition, had the insult been put upon them by a Ministry calling itself Conservative.\*

The question is not between Conservatives and Liberals, but between loyalists on the one hand, and on the other rebels, or those who favour them. The Rebellion Losses Bill, while considered injudicious and unadvised by a large number of the French Canadian population, met with the heart-felt and warmly-expressed condemnation of nine-tenths of the British. I ask you, my Lord, to consider the Addresses received by Your Lordship on the subject, while the Bill was in progress, and to say whether the statement I have now made be not correct. As these Addresses were not honoured with a place in the *Official Gazette*, I cannot say what was their exact number, but I have good reason to believe that I am not far wrong in mentioning *eighty* as the number of those presented to Your Lordship against the Bill, and *three*—all from French districts—in its favour.

Much and deeply is it indeed to be regretted that, instead of the laconic curt reply, invariably given to the representations of those who had rallied round the Throne in the hour of danger, Your Lordship had not deigned to offer those assurances you now make, and which if given *before* the assenting to the Bill, would have been satisfactory enough *as regards Your Lordship's own intentions*. Your Lordship and Your Lordship's Ministry, however, took no steps to allay the fever of excitement raging throughout the

length and breadth of the Province. The loyal population of Canada had seen insult after insult showered on their heads from the Ministerial Benches in the Legislative Assembly—insults, the grossest and most revolting, added to what they felt to be a tyrannous injustice. These insults, my Lord, were heaped upon them, because they had borne arms to uphold the Sovereignty of the Gracious Lady, whose Representative you are. Still, my Lord, keenly as they felt the insult—writhingly as they struggled under it—they only entreated of Your Lordship, that you would leave it to Her to say, whether She were a-weary of their deep, devoted, long-tried love; and they only entreated you to do what you have since proved you had a right to do, by reserving for Home sanction, other Acts of vastly inferior importance, which had been passed through both Houses of the Provincial Parliament, and against which no one had ventured a single word of remonstrance.

The 25th of April came;—on that inauspicious day, the evil counsels of Your Lordship's advisers prevailed, and the Rebellion Losses Bill was formally sanctioned in Her Majesty's name.

The deplorable excesses that ensued in this City cannot be defended; but their occurrence can scarcely be matter of surprise to those who remember that the British of Montreal had, but eleven short years before, risen as one man to quell a "foul unnatural Rebellion," and now, while relying on Your Lordship's assurance that their respectful remonstrances would receive "due consideration," suddenly found themselves called upon to contribute towards the indemnification of those who had aided and abetted in that Rebellion. Throughout the British population of the Province, the announcement that the Loyal were to be taxed to pay the Rebel was received with universal indignation, although from the absence of the exciting causes existing in Montreal, it was manifested, fortu-

\*See Postscript, Page 18.

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determined manner.

Be not deceived, My Lord, into the belief  
that the feeling expressed in the petitions  
presented to Your Lordship against the Re-  
bel Indemnity Bill has died away. It is true  
that the *Official Gazette* proclaims the daily  
advent of Addresses to Your Lordship, the  
apparently numerous signatures to which I  
will not now stop to analyse, but many of  
which any loyalist in the Province could  
sign with a clear conscience. If Your Lord-  
ship, however, has paid any attention to the  
subject matter of the Addresses presented,  
you will have perceived that, (with scarcely  
an exception, and those generally from places  
which were the very centres of disaffection  
in 1837 and 1838,) no address ventures to  
mention, in terms of approbation, the “mea-  
sure of indemnity.” This fact, my Lord, is  
very significant as to the feeling of the country.

We offer no objection to the amnesty pas-  
sed in favour of all those concerned in the Re-  
bellion; but to *pardon* is one thing—to *pay*  
another. We may surely demand, in the words  
used by George Canning thirty years ago—  
“If the Legislature has consented to bury in  
darkness the crimes of Rebellion, is it too  
much that Rebels, after *eleven* years, should  
forgive the crime of being forgiven?”

My Lord, my purpose in this letter has  
been principally to prove to Your Lordship,  
from incontrovertible evidence, that your  
Ministry *did intend to pay Rebels*. Whether  
they will *now* do so or not is a more difficult  
question to determine. It may be that, like  
the Scholar of Cornelius Agrippa, they  
shrink aghast from the spirit they have con-  
jured up; it may be that they will for a time  
band before the storm that now assails them.  
But, my Lord, *littera scripta manet*—  
the intention, boldly and openly expres-  
sed, is still on record; and should circum-  
stances permit, who can doubt that they will  
carry into operation these avowed views and  
intentions? Besides, their repentance would

now be too late; the mischief is done. The  
Bill is now the law of the land, and until  
disallowed by Her Majesty, or amended by a  
succeeding Parliament, whatever Commis-  
sioners may be appointed to carry it out,  
dare not, at their peril, refuse the claims of  
those who, although they abetted the Rebel-  
lion, were fortunate enough to escape convic-  
tion or transportation.

And now, my Lord, let me once more  
earnestly crave Your Lordship's dispassion-  
ate attention to the arguments I have advan-  
ced, and the evidence I have adduced in their  
support. They are submitted in no petty  
party spirit, but with the sincere desire to  
set this matter in its proper light before  
Your Lordship and the country. It is with  
sorrow that I find Your Lordship entangled  
in the toils of party, and placed by injudi-  
cious counsel in a false position, which can  
scarcely be either maintained with justice or  
abandoned without dishonour.

I beseech you, my Lord, think for yourself  
—allow no man to *think for you*, nor blindly  
believe any assertions, unsupported by evi-  
dence. Examine the Rebellion Losses Bill, in  
connection with the declarations made by  
Your Lordship's Ministry and their suppor-  
ters, and then, my Lord, determine whether  
it be a measure which comes within the scope  
of the instructions given, in 1841, by the  
present Premier of Great Britain, Lord John  
Russell, to the then Governor General of  
these Provinces:—

“We have only to consider the means of  
binding Canada more firmly to this country  
—of developing her resources—of strength-  
ening her BRITISH population—of defending  
her territory—and of *supporting and en-  
couraging the loyal spirit of her people*.”

I have the honour to be,

My Lord,

Your Lordship's most obedient,

Humble servant,

A CANADIAN LOYALIST.

Montreal, 4th June, 1849.



## POSTSCRIPT.

MY LORD:—In preparing for the press another edition of the letter which I had the honour of addressing to Your Lordship as above, several matters appear to me deserving of further notice, which I shall therefore, in this Postscript, beg leave to bring more particularly under Your Lordship's observation.

I. LOYALIST CLAIMS STILL UNPAID. [See page 7.]

When previously addressing Your Lordship, I allowed to pass without remark the gross exaggeration in the amount stated by Mr. Hincks as remaining unpaid of claims "admitted to be just." My attention has again been directed to the subject by an able article in the *Montreal Herald* of the 12th June, and I shall now submit the reasons which induce me—and I hope will also induce Your Lordship—to believe that a very small portion indeed of the "just losses," of those who never "aided, assisted or abetted" the Rebellion of 1837–38, remains yet unpaid.

Immediately after the suppression of the first rebellion, in 1837, a Commission was appointed by Sir John Colborne, (now Lord Seaton,) to inquire into the losses occasioned by the rebels, and to decide thereon, an inquiry which they were afterwards instructed to extend to similar losses incurred during the second "unnatural rebellion"—that of 1838. In carrying out this task the Commissioners personally visited those districts of the country where the losses had occurred, inviting the tendering of just claims, and carefully investigating those submitted to them. In those days, my Lord, it was considered no "Star Chamber scrutiny" to enquire whether a man had borne arms against his Sovereign or not; and, in accordance with their instructions, these Commissioners took evidence on

oath whether the claimants had lent their aid, when called upon, to suppress the rebellion, and had lent no assistance, direct or indirect, to the misguided men engaged in it.

The Commissioners presented several careful and elaborate Reports, the result of which was the payment of claims approved by them, to the amount of £12,401 12s. 2d. Sterling in 1839, and of £8,637 6s. 9d. Sterling in 1840, together equal to £25,597 7s. 8d., Halifax Currency. Subsequent to these payments the Commissioners presented their final Reports, being the fourth and fifth, in which they report as correct additional claims to the amount of £9,986 7s. 1d. Currency. This sum was not paid at the time, but was afterwards provided for by the issue of Debentures, chargeable on the Marriage License Fund of Lower Canada, under the Act 9 Vict., cap. 65.

Now, my Lord, is it reasonable to suppose that when to the Commission, after a free and full inquiry of several years, only £35,583 14s. 10d. of claims admitted to be just were submitted, Your Lordship's present Ministry, "merely walking in the footsteps of their predecessors," should now discover *additional claims of precisely a similar nature* to the amount of £100,000? Or are we not rather forced to the conclusion that the amount of "just claims" that could now be made, must form a very small sum in comparison with those previously allowed?

The conclusion to which I have thus arrived, my Lord, receives additional weight from an examination of the Report presented by the second Commission of Inquiry, in April, 1846. Of the 2,176 several claims, of which a list is appended to that Report, there appear only about 170 presented by parties

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who do not bear thoroughly French names. Even in this small number of 170 are included not a few claimants, such as Dr. Wolfred Nelson, and Mr. W. H. Scott of Two Mountains, who were active participators in the Rebellion—some who claim as creditors of Dr. Nelson and others of the Rebels of 1837–38—and upwards of 20 whose claims, amounting to £4,300, had already been recognised by the previous Commission.

The Report in question exhibits some curious facts, which are now of an importance that could not be attached to them at the time of its presentation, when any proposal for the indiscriminate payment of the claims therein contained could not for a moment have been anticipated. The claims in all amount to £241,965 10s. 5d., of which the sum of £25,903 15s. 7d., is claimed by 60 persons who had been *convicted of high treason*, and £16,053 11s. 4d., by parties who had been transported to Bermuda. Both of these classes of claimants are of course excluded by Mr. Boulton's amendment, from direct indemnification, and I therefore deduct them, although, as I have already shewn, the claims of their "*bonâ fide* creditors, assigns or *ayant-droit*," could not be refused under the Act; besides these, claims to the amount of £10,292 4s. 1d., which had already been allowed by the Commissioners first appointed, and which therefore required no new legislation, must be deducted. The remaining £190,000, include claims which had been preferred before the previous Commission, but *not recognised by them*, to the amount of £59,403 16s. 10d.; claims to be compensated for imprisonment as rebels, exile from the country, or "absence from the Province to avoid arrest," (it being noted in *only one* case, that the prisoner had been acquitted,) £9,595 9s. 1d., besides money alleged to have been paid as bribes to avoid imprisonment; for interest on claims, £5,819 9s. 3d.; for *loss of expected profit*, £5,331 4s. 1d.; for guns and other weapons seized by Government, £694 19s.

10d.; claims as unpaid creditors of rebels, £4,174 0s. 8d., besides claims on Dr. Nelson's estate alone, amounting to £10,730 6s. 10d.

There is also a claim for £5,349 10s. 11d., presented by Mr. W. H. Scott, for whose apprehension a reward of £500 was paid in 1837. This gentleman is now M. P. P. for the County of Two Mountains, and Your Lordship will observe that his vote, in that capacity, is recorded on the Ministerial side in every division on Mr. LaFontaine's resolutions—a vote invalidated, I should have thought, by his pecuniary interest in the question. The last claims I shall mention are those for confiscated property purchased by the wives or other relatives of the former proprietors, amounting, in two cases alone, to £795 6s. 8d. If Your Lordship should consider these as fitting cases for compensation, I would respectfully suggest that, overcoming your unwillingness to consider this as in any respect an Imperial question, Your Lordship, should request the Home Government to indemnify these losses out of *the Imperial Treasury, into which the money received for the property so confiscated was paid*.

I leave these claims for your consideration, my Lord, with the sole remark, that there is not a single word in the Rebellion Losses Bill to exclude the payment of any one of them, even were Your Lordship's Ministry so far to contravene the terms of the Act as to instruct the Commissioners to perpetrate, (in the words of the Hon. Robert Baldwin,) such "*an outrage on the man seeking compensation as to inquire what part he took at the time of the troubles!*"

II. COLONEL PRINCE'S QUESTIONS. [See page 8.]

Mr. LaFontaine, as Your Lordship will observe, refused to answer the plain and simple questions proposed to him by Colonel Prince, on the ground that they had been asked and answered over and over again during the debate. Since the first publication of this letter, I have carefully examined

the debates alluded to, and have searched in vain for any questions put to the Ministry relative to their intention of paying rebels, with the exception of those I have quoted in page 7 of the foregoing letter, or for any denial of the intention imputed to them. I leave Your Lordship to determine whether the uniform statement at the close of these questions, "No Reply," can be considered as an answer.

### III. THE VOTE ON MR. WILSON'S AMENDMENT. [See page 10.]

In humble imitation of the example set by Your Lordship, in the Reply to the Brantford Address, and in your Despatch of the 5th May, I will venture to present an analysis of the vote taken on the amendment of Mr. Wilson, to exclude Rebels, which was negatived by 43 against 28. This latter number, as will be seen on reference to the Appendix, was entirely composed of English; while of those who voted against the amendment, 8 are members of the Ministry, 21 are of French and 14 of British origin; of which last, four—Messrs. Armstrong, DeWitt, Nelson, and W. H. Scott—have been long thoroughly identified with the French party. Thus of the 38 *independent British* members who voted on this question, 28 were *in favor of*, and only 10 *against*, the amendment proposed by Mr. Wilson.

Taking it in another point of view, the votes may be thus stated:

Upper Canada,	Yeas, 23	Nays, 13
Lower Canada,	" 5	" 30
	—	—
	28	43

giving a majority of 25 from *Lower Canada*, it is true, in favor of admitting rebels to compensation, but *a majority of 10, from Upper Canada*, against their admission. Thus Lower Canada taxes Upper Canada to pay Lower Canadian Rebels!

### IV. MR. PAPINEAU. [See page 14.]

The following paragraph, my Lord, is quoted from the *Illustrated London News* of the 19th May:

"When in office, they (the Canadian Loyalists) introduced a measure into the Legislature for compensating the parties who had suffered losses in the rebellion of 1838. Among the parties who came in for compensation under this very measure was not less a personage than Mr. Speaker Papineau, the very head and front of the insurrection."

This, my Lord, is but the repetition, in a somewhat stronger form than might have been ventured on here, of a charge which has often been made against the previous Conservative Administration, and has been as often refuted. As it is very possible, however, that the charge may have been carefully presented to Your Lordship's notice, and the refutation of it just as carefully withheld, it is but fair that Your Lordship should know to whom Canada is indebted for the privilege of again admitting within its borders Mr. Louis Joseph Papineau. My authority on the subject is Mr. LaFontaine, who, in the debate on the Address, when blamed by Mr. Papineau for accepting office under the British Government, thus replied:

"Assuming that he (Mr. LaFontaine) had in so doing committed an error, to whom had the benefit of that error accrued? Was it not the honourable member himself who had reaped the benefit of it? Without such an error he (Mr. Papineau) *would not to-day be standing within the walls of that House*, to pour forth as he did a torrent of invective against his old political friends; *he would still have dwelt in a land of exile*."—[*Montreal Pilot*, 7th Feb., 1849.]

And again, in a subsequent portion of the same speech Mr. LaFontaine reiterated his claims to Mr. Papineau's gratitude.

"If, in 1842, they had adopted the system of opposition *a l'outrance*, so favored by the honorable member, would they have been in a position to solicit, to urge as they had done, the return of their exiled countrymen to their homes and their families? Had they not formed part of the administration of 1842, would they have had it in their power to open for the honorable member (Mr. Papineau), *in particular*, the avenues to his native land, by obtaining the *requisite permission for his return to the country*?—a permission for the obtaining of which, he (Mr. LaFontaine) had not hesitated, before conquering the repeated refusals of Sir Charles Metcalfe, to tender *his resignation of the high and lucrative offices he then held*?"—[*Montreal Pilot*, 7th Feb., 1849.]

And yet, My Lord, the assertion is coolly made that the Conservative Ministry, by recalling Mr. Papineau, had led the way to the measures of the present Administration.

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The statement made by the London newspaper above quoted, that Mr. Papineau was compensated by the Conservative Ministry for "his losses in the rebellion of 1838," is totally without foundation. At the breaking out of the rebellion, a large sum was owing to Mr. Papineau from the Provincial Treasury, for arrears of his salary as Speaker of the House of Assembly; for which sum warrants had actually been issued by the proper officers, although payment had not been received by Mr. Papineau, previous to his exile from the Province. On his return to Canada, (through the good offices of Mr. Lafontaine, as now shown,) how could the then Conservative Ministry refuse to submit to Parliament the application of Mr. Papineau, for payment of a debt due to him before the "unfortunate occurrences" of 1837 and 1838, which, it is a matter of "public notoriety," had been at that period fully recognized by the Provincial Government, and the payment of which, there is good ground for believing, was now again urged upon them by the Imperial Government, in consequence of the representations of their predecessors in office—Mr. Lafontaine and his colleagues!

I repeat then, my Lord, Mr. Papineau was *not* brought back to Canada by the Conservative Administration; Mr. Papineau was

*not* indemnified by them for his losses during the Rebellion; and the justification which the Ministry would attempt to build on Mr. Papineau's case, of their own proposal to pay *Rebels for losses incurred in Rebellion*, is altogether baseless and untenable.

In conclusion, my Lord, permit me to state that since the first publication of the foregoing letter, no denial has been attempted, in any form, of the *facts* which I had the honor of therein submitting to Your Lordship; on the contrary, the view of the subject which I have endeavoured to impress on Your Lordship, has received additional support from the recognized organ of your present ministry, which indignantly denies—

"That there has been a receding on the part of the Ministry from their original position—that, frightened by the clamours which their opponents raised, they now propose to restrict the payment for indemnification to a *smaller number*, and a *different class of claimants* to that which they originally intended."—[*Montreal Pilot*, 12th June, 1849.]

Of that original intention, the proofs are surely sufficient to satisfy the most sceptical; and I leave it to Your Lordship to reconcile the above quotation, if possible, with the assertions contained in the answer to the Hastings Address.

A CANADIAN LOYALIST.

Montreal, 20th June, 1849.

## APPENDIX.

### A P P E N D I X N O. I.

#### REBELLION LOSSES BILL.

[Copied from the *Montreal Pilot*.]

*An Act to provide for the Indemnification of parties in Lower Canada whose Property was destroyed during the Rebellion in the years 1837 and 1838.*

WHEREAS on the 28th day of February, 1845, an humble Address was unanimously adopted by the Legislative Assembly of this Province, and by them presented to the Right Honourable Charles Theophilus Baron Metcalfe, the then Governor General

of the same, praying "that His Excellency would be pleased to cause proper measures to be adopted in order to insure to the inhabitants of that part of this Province formerly Lower Canada, indemnity for just losses by them sustained during the Rebellion of 1837 and 1838;" And whereas, on the 24th day of November, 1845, a Commission of five persons was, by His Excellency the said Governor General, duly appointed to inquire into such losses arising from and growing out of the said Rebellion; And whereas, it appears by the Report of the said Commissioners, dated the 18th day of April, 1846, that "the want of power to proceed to a strict and regular investigation of the losses in question left the Commissioners no other resource than to trust to the allegations of the claimants, as to the amounts and



"nature of their losses;" And whereas, in order to redeem the pledge given to the sufferers of such losses, or their *bona fide* creditors, assigns, or *ayant-droit*, as well by the said Address of the said Legislative Assembly, and the appointment of the said Commission, as by the letter addressed by the Honourable the Secretary of the Province, by order of the Right Honourable Charles Murray, Earl Cathcart, the then Administrator of the Government of the same, to the said Commissioners, on the 27th day of February, 1846, it is necessary and just that the particulars of such losses, not yet paid and satisfied, should form the subject of more minute inquiry under Legislative authority, and that the same, so far only as they may have arisen from the total or partial, unjust, unnecessary, or wanton destruction of dwellings, buildings, property and effects of the said inhabitants, and from the seizure, taking or carrying away of their property and effects, should be paid and satisfied; provided that none of the persons who have been convicted of high treason, *alleged* to have been committed in that part of this Province formerly the Province of Lower Canada, since the first day of November, one thousand eight hundred and thirty-seven, or who having been charged with high treason or other offences of a treasonable nature, and having been committed to the custody of the Sheriff in the Gaol of Montreal, submitted themselves to the will and pleasure of Her Majesty, and were thereupon transported to Her Majesty's Islands of Bermuda, shall be entitled to any indemnity for losses sustained during or after the said Rebellion, or in consequence thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of, and under the authority of, an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, "An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada."

And it is hereby enacted by the authority of the same, That, for the purpose of this Act, it shall be lawful for the Governor in Council to authorize the issue of Debentures, payable out of the Consolidated Revenue Fund of this Province, at or within twenty years after the date thereof, respectively, and bearing interest at the rate of six per cent., payable out of the said Fund on such day in each year as shall be therein specified, provided the total amount of the said Debentures shall not exceed the sum hereinafter mentioned.

II. And be it enacted, That the said Debentures may be issued in such form and for such separate sums, respectively, as the Governor in Council shall deem expedient, and may be issued either to such parties as shall be willing to advance money for the same, or to parties to whom money shall be awarded for compensation of losses under this Act, or who shall demand them in exchange for Debentures of like amount issued under the Act hereinafter mentioned.

III. And be it enacted, That the holder of any Debenture issued under the authority of the Act passed in the ninth year of Her Majesty's Reign, and intitled, "*An Act to provide for the payment of certain Rebellion Losses in Lower Canada, and to appropriate the proceeds of the Marriage License Fund,*" may, on any day on which the interest on

such Debenture is payable, have the same exchanged for a Debenture for a like amount to be issued under this Act, and the interest then payable on such Debenture shall at the same time be paid out of the said Consolidated Revenue Fund, and the proceeds of so much of that portion of the Marriage License Fund arising in Lower Canada as shall not be required to pay off the principal and interest of any unexchanged Debenture, shall form part of the said Consolidated Revenue Fund.

IV. Provided always, and be it enacted, That the Governor in Council may, at any time, by notice in the *Canada Gazette*, require that all the Debentures issued under this Act be presented at a time certain, and not less than six months from the date of such notice, for payment of the principal and interest thereof in full; and such payment shall be made accordingly out of the said Consolidated Revenue Fund, and after the time so appointed no interest shall accrue on the Debentures which shall not be so presented.

V. And be it enacted, That the Debentures issued under this Act shall be distinguished from those issued under other Acts, and that separate accounts shall be kept thereof, and of all money expended under this Act; and that such accounts shall be laid annually before the Provincial Parliament; and that the due application of all money expended under this Act shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty shall please to direct.

VI. And be it enacted, That it shall be lawful for the Governor to appoint five persons to be Commissioners under this Act, and from time to time to remove them or any of them, and to appoint another or others in the place of any so removed, or dying, or resigning office.

VII. And be it enacted, That each of the said Commissioners shall, before entering upon the duties of his office, take and subscribe, before any Justice of the Peace, the following oath:

"I, \_\_\_\_\_, swear that I will faithfully and without partiality, fear, favour, or affection, perform my duty as Commissioner under the Act intitled, '*An Act,*' &c., (*insert the title of this Act,*) and that I will allow to each claimant under the said Act, neither more nor less than the sum which he is entitled to claim for compensation, according to the true intent and meaning of the said Act. So help me God." Which oath shall be entered on the minutes of the proceedings of the said Commissioners, and make part thereof.

VIII. And be it enacted, That it shall be lawful for the Governor from time to time to appoint a Clerk to the said Commissioners, and the same to remove, and in case of any such removal, or of death or of resignation of office of the said Clerk, to appoint another in his place; and the Commissioners and their Clerk, shall receive for their services under this Act, and for their necessary expenses and disbursements, such compensation as shall be allowed by the Governor in Council, and no other fees or emoluments whatsoever; and such compensation shall be defrayed out of the said Consolidated Revenue Fund.

IX. And be it enacted, That the amount of the Debentures to be issued under this Act, and the amount of the said compensation to be allowed to the

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said Commissioners and Clerk, shall not exceed the sum of one hundred thousand pounds currency, which sum shall also include the sum of nine thousand nine hundred and eighty-six pounds seven shillings and two-pence, raised by Debentures issued under the said Act hereinbefore mentioned.

X. And be it enacted, That it shall be the duty of the said Commissioners faithfully and without partiality, to inquire into and to ascertain the amount of the losses mentioned in the Preamble to this Act, as those for which compensation ought to be made, and to report the same to the Governor of this Province.

XI. And be it enacted, That the powers vested in, and duties required of, the said Commissioners, or of any three of them, under this Act, shall also extend and be construed to extend to inquire into all such losses sustained by Her Majesty's subjects, and other residents, within the said late Province of Lower Canada, and the several claims and demands which have accrued to any such persons by such losses, *in respect of any loss, destruction, or damage of property occasioned by violence on the part of persons in Her Majesty's service, or by violence on the part of persons acting or assuming to act on behalf of Her Majesty, in the suppression of the said Rebellion, or for the prevention of further disturbances, and all claims arising under or in respect of the occupation of any houses or other premises by Her Majesty's naval or military forces, either Imperial or Provincial; subject always to the limitations and exceptions contained in the Preamble to this Act.*

XII. And be it enacted, That the Commissioners appointed under this Act, shall hold their sittings publicly at such places and times, and for such counties, parishes or other territorial divisions respectively, as the Governor in Council shall from time to time direct and notify to them through the Provincial Secretary, and shall give such public notice of their said meetings as they shall in like manner be required to give; and at such meetings any three of the said Commissioners shall be a *quorum*, and any report, award or proceeding in which three of the Commissioners shall concur shall be deemed to be made or done by the Commissioners; provided always, that no sitting of the said Commissioners shall be held after the first day of September, one thousand eight hundred and fifty, and no claim shall be received by them after the first day of May one thousand eight hundred and fifty.

XIII. And be it enacted, That the said Commissioners shall have full power and authority to examine upon oath (which oath any of them may administer) any person who shall appear before them, either as a claimant or as a witness for or against any claim, or for the better information of the Commissioners concerning the same; and shall have full power and authority to summon before them any person or party whom they may deem it expedient to examine touching any claim, and to require him to bring with him, and produce any book, paper, instrument, document, or thing mentioned in the summons, and supposed to be necessary to the determination of any such claim; and if any person or party so summoned shall, after due notice, refuse or neglect to attend before them, or being so summoned and attending, shall refuse to answer any lawful question put to him by the Commissioners, or any one of them, or to bring and produce any book, paper, instrument, document or thing in his possession,

which he shall, by the summons, have been required to bring with him and produce, the said Commissioners may cause such person or party, if not already before them, to be apprehended and brought before them, and may, in their discretion, commit him to the common goal of the District, for a period not exceeding three months; and any person making any wilfully false statement on oath before the said Commissioners, or any one of them, shall be adjudged guilty of wilful and corrupt perjury; Provided always, that no claim shall be allowed upon the oath of the claimant, unless he shall be corroborated in all the important particulars by indifferent and unsuspected witnesses, or other testimony.

XIV. And be it enacted, That the said Commissioners shall, on or before the first day of September, one thousand eight hundred and fifty, report their proceedings to the Governor, stating more especially the sum they shall have allowed, for such losses as aforesaid, to each claimant respectively; and if the total amount of the sums so allowed, and the said sum of nine thousand nine hundred and eighty six pounds seven shillings and two-pence, and the expenses incurred under this Act, shall exceed the sum of one hundred thousand pounds, then the expenses incurred under this Act, shall be first provided for, and secondly the said sum of £9986 7s 2d., and the remaining sum shall be distributed among the claimants in proportion to the sums allowed to them respectively, by the Commissioners, or any three of them.

## APPENDIX No. II.

### REBELLION LOSSES BILL.

#### EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY, ON

*Tuesday, 27th February, 1849.*

Mr. HENRY SMITH reported the following Resolutions passed in Committee, on Friday morning last:

1. *Resolved*,—That on the 28th day of February, 1845, an humble Address was unanimously adopted by the Legislative Assembly of this Province, and by them presented to the Right Honourable Charles Theophilus Baron Mefcalfe, the then Governor General of the same, praying "That His Excellency would be pleased to cause proper measures to be adopted, in order to insure to the inhabitants of that part of this Province, formerly Lower Canada, indemnity for just losses by them sustained during the Rebellion of 1837 and 1838."

2. *Resolved*,—That on the 24th day of November, 1845, a Commission of five persons was, by His Excellency the said Governor General, duly appointed to inquire into such losses, arising from and growing out of the said Rebellion.

3. *Resolved*,—That it appears by the Report of the said Commissioners, dated the 18th day of April, 1846, "That the want of power to proceed to a strict and

"regular investigation of the losses in question, left the Commissioners no other resource than to trust to the allegation of the claimants, as to the amount and nature of their losses."

4. *Resolved*.—That on the 27th February, 1846, a letter was addressed to the said Commissioners by the Honourable the Secretary of this Province, by order of the Right Honourable Charles Murray, Earl Cathcart, the then Administrator of the Government of the same, stating, "That the object of the Executive Government in appointing the said Commission was merely to obtain a general estimate of the Rebellion losses, the particulars of which should form the subject of more minute inquiry thereafter, under Legislative authority."

5. *Resolved*.—That in order to redeem the pledge given to the sufferers of such losses, or their *bond fide* creditors, assigns, or *ayant droit*, as well by the said Address of the said Legislative Assembly, and the appointment of the said Commission, as by the said letter so addressed by the Honourable the said Provincial Secretary, it is necessary and just that the particulars of such losses not yet paid and satisfied, should form the subject of more minute inquiry under Legislative authority; and that the said losses so far only as they have arisen from the total or partial unjust, unnecessary or wanton destruction of the dwellings, buildings, property and effects of the said inhabitants, and by the seizure, taking or carrying away of their property and effects, should be paid and satisfied: Provided, that none of the persons who have been convicted of high treason alleged to have been committed in that part of this Province formerly Lower Canada, since the first day of November, 1837, or who, having been charged with high treason, or other offences of a treasonable nature, and having been committed to the custody of the Sheriff in the Gaol of Montreal, submitted themselves to the will and pleasure of Her Majesty, and were thereupon transported to Her Majesty's Island of Bermuda—shall be entitled to any indemnity for losses sustained during or after the said Rebellion, or in consequence thereof.

6. *Resolved*.—That there should be issued, for such purpose, debentures to the amount of one hundred thousand pounds currency, payable out of the Consolidated Revenue Fund of this Province, at or within twenty years after the date thereof, respectively, and bearing interest at the rate of six per cent, payable out of the said fund, on such day in each year as shall be therein specified.

7. *Resolved*.—That the holder of any debenture issued under the authority of the Act passed in the fifth year of Her Majesty's Reign, intitled, "An Act to provide for the payment of certain Rebellion losses in Lower Canada, and to appropriate the proceeds of the Marriage Licence Fund," should be entitled on any day on which the interest on such debenture is payable to have the same exchanged for a debenture for a like amount to be issued under any Act to be passed for carrying into effect the above resolutions; and that the interest then payable on such Debenture should at the same time be paid out of the said Consolidated Revenue Fund; and that the proceeds of so much of that portion of the Marriage Licence Fund, as lying in Lower Canada, as shall not be required to pay off the principal and interest of any unexchanged Debenture, should form part of the said Consolidated Revenue Fund.

Hon. Mr. LaFontaine moved, that the question be now separately put on each of the said Resolutions.

Mr. CHAUVEAU moved in amendment, that the said Resolutions be recommitted, with the view of leaving out the Proviso contained in the 5th resolution: And the House having continued to sit till after twelve o'clock on Wednesday morning;

Wednesday, 28<sup>th</sup> February, 1849.

And the question being put on the amendment; the House divided:

*Yeas*:—Messieurs Chauveau, Davignon, Laurin, Papineau, Wilson.—5.

*Nays*:—Messieurs Armstrong, Badgley, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of Norfolk, Boutilier, Brooks, Burritt, Cameron of Kent, Cartier, Cauchon, Cayley, Chabot, Christie, Crysler, DeWitt, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guly, Guillet, Hall, Holmes, Johnson, Attorney General LaFontaine, LaTerrière, Lemieux, Lyon, Macdonald of Glengary, Macdonald of Kingston, MacNab, Malloch, McConnell, McFarland, McLean, Merritt, Méthot, Meyers, Mongenais, Morrison, Nelson, Notman, Polette, Price, Prince, Robinson, Sauvageau, Scott of Bytown, Scott of Two Mountains, Seymour, Sherwood of Brockville, Smith of Durham, Smith of Frontenac, Smith of Wentworth, Stevenson, Taché, Thompson, Viger, Watts, Wilson.—67.

So it passed in the negative.

The first Resolution being then again read;

Hon. Mr. CAYLEY moved in amendment thereto, to substitute the following:

"That in order to ascertain the extent of loss and injury inflicted during the years 1837 and 1838, upon the loyal inhabitants of Lower Canada, by violent and lawless men, in arms against their Sovereign, an humble Address was unanimously adopted on the 28th day of February, 1845, by the Legislative Assembly of this Province, and by them presented to the Right Honourable Charles Theophilus Baron Metcalfe, the then Governor General of the same, praying, 'That His Excellency would be pleased to cause proper measures to be adopted in order to insure to the inhabitants of that part of this Province formerly Lower Canada, indemnity for just losses by them sustained during the rebellion of 1837 and 1838.'"

*Yeas*:—Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Guly, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Frontenac, Stevenson, Wilson.—20.

*Nays*:—Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of Norfolk, Boutilier, Burritt, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Johnson, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Lyon, Macdonald of Glengary, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, Taché, Thompson, Viger, Watts.—52.

The four first Resolutions were then agreed to:

*Yeas*:—Baldwin, B. of Norfolk, Cartier, C. DeWitt, S. Dumas, E. Fourquin, G. General La. Lyon, Mac. Méthot, M. pineau, P. Scott of Tw. Taché, Thomp. *Nays*:—die, Crysler, MacNab, M. Prince, Rob. Smith of D. 20.

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Watts.—52.  
then agreed to:

*Yeas*:—Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of Norfolk, Boutillier, Burritt, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Johnson, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Lyon, Macdonald of Glengary, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Wentworth, Taché, Thompson, Viger, Watts, Wilson.—52.

*Nays*:—Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Guly, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Durham, Smith of Frontenac, Stevenson.—20.

The fifth Resolution being again read,

Hon. Mr. CAYLEY moved in amendment thereunto, to substitute the following:—"That Her Majesty having recently, in the exercise of the Royal prerogative of mercy, been graciously pleased to relieve from the penalties of their treason, those misguided men who rose in arms against their Sovereign in 1837 and 1838, this House are of opinion that no more fitting opportunity could be selected to secure to those brave men, who, true to their allegiance, risked life and property in defence of their country, ample pecuniary compensation for the losses they may have sustained, and that the particulars of such losses not yet paid and satisfied, form the subject of minute enquiry, under Legislative authority, for the purpose of satisfying the same."

*Yeas*:—Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Guly, Johnson, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Frontenac, Stevenson, Wilson.—21.

*Nays*:—Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of Norfolk, Boutillier, Burritt, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, LaFontaine, LaTerrière, Laurin, Lemieux, Lyon, Macdonald of Glengary, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, Taché, Thompson, Viger, Watts.—51.

Hon. Mr. ROBINSON moved in amendment to the said Resolution, that after the word "Bermuda," be following be inserted:—"NOR ANY PERSON WHO WAS IN ANY MANNER IMPLICATED IN THE SAID 'REBELLION, OR WHO REFUSED, WHEN CALLED UPON, TO AID IN SUPPRESSING IT.'"

*Yeas*:—Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Egan, Guly, Hall, Johnson, Lyon, Macdonald of Glengary, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Frontenac, Smith of Wentworth, Stevenson, Wilson.—26.

*Nays*:—Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of Norfolk, Boutillier, Burritt, Cameron of Kent, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Holmes, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Taché, Thompson, Viger, Watts.—46.

Mr. WILSON also moved in amendment to the said Resolution, that all the words after "Bermuda" be left out, and the following inserted:—"NOR ANY 'PERSON WHO AIDED, ASSISTED OR ABETTED THE SAID 'REBELLION, SHALL BE ENTITLED TO ANY INDEMNITY.'"

*Yeas*:—Messieurs Badgley, Brooks, Burritt, Cayley, Christie, Crysler, Dickson, Egan, Guly, Hall, Johnson, Lyon, Macdonald of Glengary, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Durham, Smith of Frontenac, Smith of Wentworth, Stevenson, Wilson.—23.

*Nays*:—Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Holmes, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, McFarland, Merritt, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Taché, Thompson, Viger, Watts.—43.

Mr. Prince then moved in amendment to the said Resolution, to substitute the following:—

"That this House, most solemnly and unequivocally protesting against any measure that has for its object, or that can directly or individually result in indemnifying for losses those who were engaged in or countenanced the late rebellion, is of opinion, as well as desirous, that the loyal subjects of Her Majesty, and no others, in Lower Canada, should be indemnified for the just losses they sustained, but that such losses should be paid by Lower Canada alone, and from her own local resources; and that Upper Canada and the Consolidated Revenue Fund of the Province should be wholly and entirely exempt from the burthen of any portion of those losses; because it would, in the opinion of this House, be the height of injustice to saddle upon Upper Canada, and especially the Western Districts thereof, any part of these losses, there having been no rebellion nor even any symptoms of rebellion there; it being, on the contrary, a fact that the peaceable inhabitants along that frontier were the victims of various invasions, thereby suffering serious injuries and heavy losses arising out of the rebellion in Lower Canada (and instigated by emissaries and refugees from that section of the Province); and because such just losses as have been made good to those loyal subjects in Upper Canada who suffered by reason of their manly defence of the Crown and their Sovereign's rights, the British Constitution and the Laws of the Land,



"and who had become sufferers through the disloyal and disaffected in the Lower Province, were nobly and generously defrayed by Upper Canada from her own local resources. And further, that this House, considering the vast importance of the measure (both in a political and moral view) as now proposed by the present Administration, and embraced in the original Resolutions, and the sudden and peculiar mode of introducing it by which the country has been taken by surprise, and also considering the impoverished and embarrassed state of the finances of the Province generally, which has put a stop to our public improvements so much required, is of opinion that this measure ought not to be further proceeded with until a direct appeal has been made to the people, and their voice expressed in a proper constitutional manner."

*Yeas*:—Messieurs Badgley, Brooks, Cayley, Christie, Cryslar, Gagy, Macdonald of Kingston, MacNab, Malloch, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Frontenac, Stevenson.—17.

*Nays*:—Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Johnson, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Lyon, Macdonald of Glengary, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, Taché, Thompson, Viger, Watts, Wilson.—52.

The fifth Resolution was finally agreed to:—

*Yeas*:—Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Macdonald of Glengary, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Wentworth, Taché, Thompson, Viger, Watts.—48.

*Nays*:—Messieurs Badgley, Brooks, Cayley, Christie, Cryslar, Dickson, Gagy, Johnson, Lyon, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Durham, Smith of Frontenac, Stevenson, Wilson.—23.

The sixth Resolution being again read, Honble. Mr. CAYLEY moved in amendment thereto, to substitute the following:—

"That authority should be given to the Governor General and Council to issue Debentures to the amount of £ or such lesser sum as may be sufficient for the purpose, payable out of the Tavern Licenses of that part of the Province formerly called Lower Canada, at or within twenty years from the date thereof, respectively, and bearing interest at the rate of six per cent, payable out of the said Licenses, on such day and in such year as shall be therein specified.

*Yeas*:—Messieurs Badgley, Brooks, Burritt, Cayley, Christie, Cryslar, Dickson, Gagy, Johnson, Macdonald of Kingston, MacNab, Malloch, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Frontenac, Stevenson.—20

*Nays*:—Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Macdonald of Glengary, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, Taché, Thompson, Viger, Watts, Wilson.—51.

The sixth Resolution was then agreed to:—

*Yeas*:—Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Macdonald of Glengary, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Wentworth, Taché Thompson, Viger, Watts.—48.

*Nays*:—Messieurs Badgley, Brooks, Burritt, Cayley, Christie, Cryslar, Dickson, Gagy, Johnson, Lyon, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Durham, Smith of Frontenac, Stevenson, Wilson.—24.

The seventh and last Resolution was also agreed to.

Honble. Mr. LaFontaine introduced a Bill to provide for the indemnification of parties in Lower Canada whose property was destroyed during the Rebellion in 1837 and 1838;—second reading on Friday next.

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—second reading on